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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2013-836

13 **BALJIT KAUR JOHL**
240 So. Park Avenue
Kerman, CA 93630

A C C U S A T I O N

14 **Registered Nurse License No. 578994**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about March 26, 2001, the Board issued Registered Nurse License Number
23 578994 to Baljit Kaur Johl ("Respondent"). Respondent's registered nurse license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on February 28,
25 2015, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11

12 (d) Violating or attempting to violate, directly or indirectly, or assisting in
13 or abetting the violating of, or conspiring to violate any provision or term of this
chapter [the Nursing Practice Act] or regulations adopted pursuant to it . . .

14 6. Code section 2762 states, in pertinent part:

15 In addition to other acts constituting unprofessional conduct within the
16 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

17 (a) Obtain or possess in violation of law, or prescribe, or except as
18 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as
19 defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

20

21 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
22 unintelligible entries in any hospital, patient, or other record pertaining to the
substances described in subdivision (a) of this section.

23 7. Code section 2726 states that "[e]xcept as otherwise provided herein, this chapter
24 confers no authority to practice medicine or surgery."

25 8. Code section 2052, subdivision (a), states:

26 Notwithstanding Section 146, any person who practices or attempts to
27 practice, or who advertises or holds himself or herself out as practicing, any system or
mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates
28 for, or prescribes for any ailment, blemish, deformity, disease, disfigurement,
disorder, injury, or other physical or mental condition of any person, without having

1 at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in
2 this chapter or without being authorized to perform the act pursuant to a certificate
3 obtained in accordance with some other provision of law is guilty of a public offense,
punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment
in the state prison, by imprisonment in a county jail not exceeding one year, or by
both the fine and either imprisonment.

4 9. Code section 4022 states:

5 "Dangerous drug" or "dangerous device" means any drug or device
6 unsafe for self-use in humans or animals, and includes the following:

7 (a) Any drug that bears the legend: "Caution: federal law prohibits
dispensing without prescription," "Rx only," or words of similar import.

8 (b) Any device that bears the statement: "Caution: federal law restricts
9 this device to sale by or on the order of a -----," "Rx only," or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to use
10 or order use of the device.

11 (c) Any other drug or device that by federal or state law can be lawfully
dispensed only on prescription or furnished pursuant to Section 4006.

12 10. Code section 4324, subdivision (a), states:

13 Every person who signs the name of another, or of a fictitious person, or
14 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine,
any prescription for any drugs is guilty of forgery and upon conviction thereof shall
15 be punished by imprisonment in the state prison, or by imprisonment in the county
jail for not more than one year.

16 **COST RECOVERY**

17 11. Code section 125.3 provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case. Code section 125.3, subsection (i) also allows the Board to recover the
21 reasonable costs of the investigation and enforcement of the case in a stipulated settlement.

22 **DANGEROUS DRUGS**

23 12. "Nevanac", a brand name for nepafenac ophthalmic, is used to treat eye pain, redness,
24 and swelling in patients who are recovering from cataract surgery (procedure to treat clouding of
25 the lens in the eye). Nepafenac is in a class of medications called nonsteroidal anti-inflammatory
26 drugs (NSAIDs). Nevanac is a dangerous drug within the meaning of Code section 4022 in that it
27 requires a prescription under federal law.

13. "Prednisolone Acetate" ophthalmic suspension (eye drops) is an adrenocortical steroid product used to reduce swelling, redness, itching, and allergic reactions affecting the eye. Prednisolone Acetate is a dangerous drug within the meaning of Code section 4022 in that it requires a prescription under federal law.

14. "Vigamox", a brand name for moxifloxacin ophthalmic solution, is used to treat bacterial conjunctivitis (pink eye; infection of the membrane that covers the outside of the eyeballs and the inside of the eyelids). Moxifloxacin is in a class of antibiotics called fluoroquinolones. Vigamox is a dangerous drug within the meaning of Code section 4022 in that it requires a prescription under federal law.

FIRST CAUSE FOR DISCIPLINE

(Unlawfully Prescribe Dangerous Drugs)

15. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that while employed as a registered nurse in the Cardiovascular Progressive Care Unit ("CPCU") at Community Regional Medical Center located in Fresno, California, Respondent prescribed the dangerous drugs Nevanac, Prednisolone Acetate, and Vigamox for a patient, as follows: On or about August 30, 2009, at 1930 hours, Respondent wrote an order or prescription for Nevanac, Prednisolone Acetate, and Vigamox for a patient, and represented on the order form that Dr. U. R. had authorized the prescription by telephone and that Respondent had "verified" the order "by reading it back to the physician". In fact, Respondent never spoke with Dr. U. R. and the prescription was issued without Dr. U. R.'s knowledge or authorization. As a result of Respondent's acts or omissions set forth above, the medications were dispensed to the patient.

SECOND CAUSE FOR DISCIPLINE

(False Entries in Hospital/Patient Records)

16. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (e), in that on or about August 30, 2009, while employed as a registered nurse in the

1 CPCU at Community Regional Medical Center located in Fresno, California, Respondent
2 falsified or made grossly incorrect or grossly inconsistent entries in the hospital's/patient's records
3 pertaining to the dangerous drugs Nevanac, Prednisolone Acetate, and Vigamox, as set forth in
4 paragraph 15 above.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Exceeding Scope of Practice)**

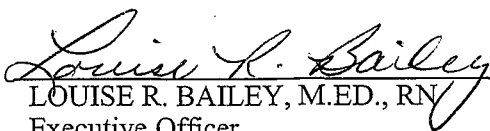
7 17. Respondent is subject to disciplinary action pursuant to Code section 2761,
8 subdivision (d), in that on or about August 30, 2009, while employed as a registered nurse in the
9 CPCU at Community Regional Medical Center located in Fresno, California, Respondent violated
10 or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or
11 conspired to violate section 2726 of that Code, as follows: Respondent exceeded her scope of
12 practice as a registered nurse by prescribing Nevanac, Prednisolone Acetate, and Vigamox to a
13 patient without a physician's order, as set forth in paragraph 15 above.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 578994, issued to Baljit
18 Kaur Johl;
- 19 2. Ordering Baljit Kaur Johl to pay the Board of Registered Nursing the reasonable costs
20 of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: March 27, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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